

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

SHAD KNUTSON,

Defendant.

**8:17CV97**

**ORDER**

This matter comes before the court on Defendant's Motion for Appointment of Counsel ([Filing No. 10](#)) and Motion for Leave to Proceed In Forma Pauperis. ([Filing No. 11](#).) The motions will be denied.

"Indigent civil litigants do not have a constitutional or statutory right to appointed counsel." [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#). Trial courts have "broad discretion to decide whether both the [indigent litigant] and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the [indigent litigant's] ability to investigate the facts and present his claim." [Id.](#) Having considered these factors, the Court finds that appointment of counsel is not warranted at this time.

The Court interprets Defendant's Motion for Leave to Proceed In Forma Pauperis, which was prepared using state court forms, as the mechanism by which Defendant is attempting to obtain counsel. Thus, this motion will be denied.

**IT IS ORDERED:**

1. Defendant's Motion for Appointment of Counsel ([Filing No. 10](#)) is denied.
2. Defendant's Motion for Leave to Proceed In Forma Pauperis ([Filing No. 11](#)) is denied.

Dated this 19<sup>th</sup> day of May, 2017.

BY THE COURT:

s/ Susan M. Bazis  
United States Magistrate Judge